

Robertson Boy's Testimony

STATE RESTS AFTER PILING UP EVIDENCE

Detectives and Citizens Swear That Robertson Boy's Blood Spot Testimony Was Wrong. Defense Begins at Morning Session.

Apparently satisfied with its vast array of evidence, which it has taken so much trouble to accumulate and verify, even down to the most minute detail, the Commonwealth rested yesterday in its case against Henry Clay Beattie, Jr., charged with slaying his wife, and the defense entered upon the scene with the witnesses whose testimony it hopes will help save the life of the young husband.

Practically no ground was gained by the defense. The story of Alexander Robertson, though told, no doubt, in good faith, about finding a second pool of blood on the Midlothian Turnpike, was absolutely disproven by Luther L. Scherer, Sergeant Wren and Wiltshire, members of the Owen family. Major J. D. Patton, John Alsup and other witnesses, who examined the very spot where the boy claimed that he found a second blood spot.

Question of Veracity. The only point which it is considered the defense might have gained was when an issue as to veracity was raised between Paul Beattie, cousin of the accused, and the strongest witnesses against him, and G. W. Booth. Booth stated that on the morning after the murder he and Paul had a conversation in which Paul said that he did not believe his cousin guilty of the crime; that he was not devoted to his wife, Paul denied in toto making such a statement. Others did not hear the conversation, and it will be for the jury to decide which man is telling the truth.

Wendenburg was late in arriving, and explained that he had suffered an attack of neuritis and had been forced to proceed slowly in a taxicab. While court was waiting for him, the defense called its roll of witnesses, to have them sworn. It was announced by Judge Watson that he had received from Dr. Lorraine a certificate saying that Mrs. M. C. Stinger was ill and would be unable to appear. Miss Louise Reams was the first witness called by the prosecution. There was some delay as she was at the home of Clerk Cogbill, a short distance across the road from the courthouse. She was accompanied into court by her father, who sat near on the steps at the foot of the judge's bench.

Miss Reams a Witness. "Did you know Mrs. Beattie, wife of the accused?" asked Mr. Wendenburg. "Yes," answered the witness, clearly. "Were you a friend of hers?"

"Yes," were said of honor at her wedding, were you not?" "Yes," "Tell the jury about Mrs. Beattie wearing that kind of a pin," and the hairpin found near the scene of the murder was passed to her for examination.

"We object," said Mr. Smith, but the court ruled that the witness could say whether Mrs. Beattie wore that kind of hairpin. "She wore light hairpins just this color," answered Miss Reams. Counsel for the defense noted an exception. "Did she wear this kind of hairpin all the time?"

"There are hundreds of thousands of hairpins like this and hundreds of thousands of women wear them, don't they?" asked Mr. Smith. "I suppose you know lots of women, white and colored, who wear this kind of hairpin," will we judge of the color?"

"But there are hundreds of women who wear hairpins like this, aren't there?" "I suppose so,"

Miss Reams was excused.

Saw Only One Blood Spot. George Jarrell, officer, was called. He was told that there had been evidence that a second blood spot had been found, and Mr. Wendenburg asked:

"Did you look for other spots of blood between the scene of the crime and the Owen home, on the Midlothian Turnpike, and, if so, when?"

"Yes, I looked on Tuesday night, again on Wednesday, the following day, and on Thursday."

"Tell the jury whether any other blood spot was found?"

"There was no other blood spot. If there had been I would have been bound to see it. I went up and down that road more than any other man working on the case. I made a close investigation all over the pike."

"Do you know whether Alexander Robertson found any other blood spot?"

"I paid no attention to what anybody said. I was positive there was no other blood spot there."

"Don't tell it, but did you have any reason or not for looking for another blood spot?"

"One moment," cried Mr. Smith. "We object."

The court ruled that it was not necessary for witness to give his reason or to say whether he had one.

"After the machine was brought to the Owen home with the dead body in it, how long did it stand there?" asked Mr. Wendenburg.

"I got there about 11:30, and it had been there up to that time."

"Did you see any blood spots there?"

"No."

Lets Evidence Stand. "We object," said Mr. Smith. "The body had been removed from the machine before Jarrell got there."

But Judge Watson allowed the evidence.

"No," answered the witness. "If in the testimony it has been stated that a blood spot twenty inches across was found, I will correct that. Mr. Carter was found on the turnpike in front of Mr. Rice's gate, a few feet from it, state whether it was there on Wednesday, when you were looking along the road."

"No, sir."

Scherer, pointing to Taylor Robertson, a newspaper reporter, and brother of the witness Robertson.

"You examined it together, and we didn't see any blood," said witness.

"Huh!" said Mr. Carter. "You are trying to deliver us a solar plexus blow."

"No," said the witness, flushing angrily. "I am answering your question."

"So you did know that it had been claimed that blood had been found there?" asked the attorney, a little rebuffed.

"Yes."

Major Patton Testifies. Major J. D. Patton came next to the chair.

"Tell the jury," said Mr. Wendenburg, "whether you examined the road to see if there were any blood spots on this side of the homicide."

"Yes. On the morning of the 19th, I looked along the road for blood spots."

"Did you see any other than that at the scene of the crime?"

"Not a single one."

"Could such a spot as has been testified to, other than the one at the scene of the murder, have escaped you?"

"I think not, sir."

"The only spot you saw was that one at the scene of the crime?"

"Yes."

"How did you go along the road?"

"In an automobile with John Alsup."

"How fast were you going?"

"Leisurely, about fifteen or twenty miles an hour."

"What side of the car were you sitting on?"

"On the right side coming in."

"If blood had been sprinkled on the road, would you necessarily have seen it?"

"I think I would have seen it. We looked for everything."

"What part of the car were you in?"

"In the back seat."

"You couldn't see in front?"

"Whom were you with?"

"I met Mr. Scherer, Wren and two guards from the penitentiary with the dogs. We divided into two parties."

"Were you looking especially at first for anything?"

"No, but I think we would have seen anything."

Ben P. Owen, an uncle of the bride, was called.

Owen Examined Road. Mr. Smith questioned because Mr. Owen had been in the court room during the examination of the other witnesses, and Mr. Wendenburg immediately said that he would do without Mr. Owen and forego his testimony. Then Mr. Smith withdrew his objection.

"Did you examine the turnpike from the scene of the crime to the Owen home for the purpose of finding if there was blood anywhere else than at the scene of the crime?" asked Mr. Wendenburg.

Witness answered that he examined the road thoroughly about daylight, after the crime, and was looking for anything unusual. He found nothing unusual. He found no blood spot between the scene of the crime and the

railroad, and said that if there had been any there it was so small that it was invisible. He said that if there had been a blood spot eighteen by twenty inches in size in front of Mr. Rice's gate, he would have seen it. But there was no blood spot there. He saw two drops of water and recognized what it was. He examined the road again on Thursday, after hearing that another blood spot had been found, but found no traces of it.

On cross-examination by Mr. Carter, he said that the machine he was in was going very fast, about thirty miles an hour, but that he had the road in view. On the next trip he came back slowly, and stopped in front of telephone posts Nos. 167 and 174, and saw no blood near them.

Sergeant Tom Wren testified to the same effect, that there was no other blood on the road.

"Did you get Henry Beattie's account of the crime?" asked Mr. Smith.

"Yes."

"In giving his account, where did he say the man was?"

"On the left, coming in."

"Was there any intimation that the man was on the right side?"

"No."

Mr. Wendenburg protested against the defense bringing out a repetition of Wren's former evidence, but finally consented to allow it to go in the record.

Detective-Sergeant J. J. Wiltshire. County Officer Flynn, Coroner J. G. Loving, Policeman D. S. Voltz, Policeman G. W. Spurr and Squire W. S. Jacob were also examined as to whether they had seen any sort of blood other than that discovered at the scene of the crime. They had searched the road, and had found no other spot of blood. Coroner Loving and Squire Jacob had made a very thorough examination.

Tom Owen testified that the only blood near his house were a few drops on the walkway and on the porch. He was not cross-examined.

State Rests Its Case. The Commonwealth rests its case, announced Mr. Wendenburg, as Mr. Owen left the stand.

Mr. Smith said that he would like to argue on a motion as to certain evidence, and the adjournment was had to the jury room, so that the jury would not hear the argument.

When court reconvened, Judge Watson said:

"There has been a motion to exclude all the testimony about the hairpin. The motion is sustained, and you are not to consider it. There was also a motion to eliminate whatever testimony may have crept in as to the actions of the bloodhounds at the scene of the murder. The court also instructs you that the testimony of all witnesses in regard to the action of the bloodhounds at the scene of the crime is not to be considered as evidence against the accused."

Paul Called by Defense. Paul Beattie, who had been sent for when court opened, was recalled then to the witness stand.

"Mr. Beattie," asked Mr. Smith, "didn't you say that Henry stopped the machine several times to fix the lights? Is it a fact?"

"Yes,"

"Before you got to Sixth and Broad Streets you stopped once or twice?"

"Once before we reached Weinstein's we stopped to fix the lights."

"Didn't you stop between Henry's father's store and Sixth and Broad Streets to fix the lights?"

"We stopped once before we reached Meyer Greenleaf's."

"You have stated that you did not tell the pawnbroker—Weinstein—that you wanted the shotgun to use on Mayo's Bridge, I understand, and now I ask you, did you use a gun on the bridge as a watchman?"

"No."

"Did you have a single-barreled shotgun while you were a watchman on the bridge?"

"No."

"I ask you if you had a single-barreled shotgun in the cement house on the bridge?"

"No."

"I ask you did you have in your possession on Sunday morning, or at any time preceding the homicide and after you say that you bought a gun at the pawnshop?"

"No. The witness sat steady as Mr. Smith thundered at him, and Henry Beattie watched intently."

"Do you know where the cement house is at the end of Mayo's Bridge?"

"I ought to know. I helped put it up."

"Then you had no gun on any day before or subsequent to the purchase of the gun at Weinstein's?"

"No."

Booth Faces Paul. "I want to ask that Mr. G. W. Booth be brought into the courtroom," said Mr. Smith to the court.

Booth was called and brought into the courtroom. He stood just behind the witness chair.

"Look at this gentleman," said Mr. Smith to the witness, "and see if you know him. Paul half turned in his chair so that he could look at Booth."

"Didn't you have a conversation with this man on the bridge Wednesday following the homicide, and you said that you didn't believe that your Cousin Henry was guilty, that he was so devoted to his wife?"

"I remember seeing him. We were cutting rails together at a machine. But as far as having a conversation with him about Henry it is not so."

"It is not so that you told him Henry had spoken highly of his wife?"

"No."

"Hadden't you seen him before that day?"

"I don't know."

"Didn't you know who he was when

WITNESS FOR THE STATE



MAJOR JAMES D. PATTON. (Photo by W. W. Foster.)

"I mentioned him when you were on the stand before?"

"No."

Stand Aside. "Stand aside," said Mr. Wendenburg. "Do you know Paul Beattie?" asked Mr. Smith.

"Yes, I got acquainted with him after he came to work down on the bridge."

"Did you have any conversation with him on the Wednesday following the homicide?"

"Yes."

"Did he make any statement as to what he believed about Henry committing the crime, and as to what Henry had told him about his feeling towards his wife?"

"I went down on the bridge after 12 o'clock, and he said, 'What do you think of Cousin Henry now?' And he said, 'I don't think Henry killed his wife, he always spoke so well of her.'"

"Who started the conversation?"

"He brought it up himself."

"Are you a friend of Henry Beattie's?" asked Mr. Wendenburg.

"I was raised in Manchester, and I've known him practically all my life."

"Aren't you a good friend of his? Weren't you intimate with him?"

"I dealt with him."

"Was there a limit to your friendship?"

"Well, I have known him, and I've known the Beatties all my life."

Nobody Heard Conversation. "Was there anybody present at the conversation?"

"No. Nobody heard it. Sutton came up and Jennings's the foreman came up."

"What time was that?"

"Twelve."

"Where was the conversation held?"

"At the end of the bridge."

"You said you were a friend of Henry Beattie's," said Mr. Smith. "Did you ever visit him at his home?"

"No."

"Did he ever visit at your house?"

"No."

"Did you ever go visiting with him?"

"No, sir."

"Do you know him except in a business way?"

"No, sir."

"Did you ever have a conversation with him outside his father's store?"

"No."

"There was no business transaction between you except in his father's store?"

"None whatever."

Mr. Smith, finishing with this witness, stated that he would like to proceed with the roll of the witnesses for the defense, and the jury was excused, as there would be no more testimony until the afternoon.

and put in the car I was driving. Somebody asked him how he felt, and he said: 'All right,' except that he was hungry. Somebody offered a bag of cakes, and he ate some of them and said he felt better."

"What else did he say in your hearing?"

"He said he intended telling everything he knew, that Mr. Beattie had locked his mother or mother-in-law in a room and made her sign away all his property, and that that was the reason he was so poor."

"What did he say it was that was locked in and made to sign this paper?"

"I am not positive whether it was his mother or grandmother."

"It was some female relative?"

"Yes."

"And he said he would tell everything?"

"Yes."

"How was it?"

"That he would tell about Mr. Beattie's having taken some female relative and locking her into a room and made her sign papers."

"Did you repeat that conversation to any one?"

"We object," said Mr. Wendenburg, and the witness was turned over for cross-examination.

"What Henry Beattie was he talking about, the father or son?" began Mr. Wendenburg.

"Henry Beattie, Jr."

"You mean in regard to the signing of the papers?"

"Yes. He said Henry Beattie, and did not say Junior or senior. It was in regard to his mother or grandmother."

"You said just now it was his mother-in-law."

Caught on the Record. "I haven't mentioned mother-in-law in my whole testimony."

"Is that your best memory?" asked Mr. Wendenburg, calling on Sergeant John G. Winston to read the record of what the witness had said, in which he had just mentioned mother-in-law twice.

"Is that a sample of your memory?" asked Mr. Wendenburg, laughing.

"I don't know, sir."

"Wasn't this same question put to Paul Beattie by Mr. Smith at the coroner's inquest when Paul was on the stand?"

"I didn't hear the testimony at the coroner's inquest."

"Then the sample above is the best of your memory?"

"Well, anyway, he did say some female relative."

"He didn't say 'female,' did he?"

"No."

"How was it his mother-in-law or his grandmother?"

"Well, I'm not here to convict anybody," answered the witness, sullenly.

"You have nothing to do with that," answered Mr. Wendenburg. "You come here on the witness stand six weeks after a statement was made in your hearing and support to give it accurately, and yet you cannot say now whether you said mother-in-law or grandmother three minutes ago."

The witness offered no explanation, sticking to it that he had meant grandmother.

"Where was Paul Beattie when this conversation took place?"

"In a Reo car, Mr. Bolton or Mr. Bailey, of the police force, was present. Whichever one it was, he was the only one in the car."

"Were there any other officers there?"

"Not that I know of."

Giving the Information. "When did you give this information to Mr. Smith?"

"I saw Mr. Smith about five minutes after the adjournment for dinner for the first time."

"To whom did you give this information?"

"To Bayless Epps, and he gave it to Mr. Smith."

"You did not take Paul Beattie to the hospital the night he fainted at the inquest?"

"No."

Brodnax Robertson, aged fourteen, a son of R. S. Robertson, an employee of the Merchants and Mechanics Bank, of South Richmond, and of Henry C. Beattie, Sr., is vice-president, and a cousin of Alexander Robertson, of Forest Hill, who testified on the preceding day, was called.

Brodnax testified that he went with his cousin on his bicycle trips to the scene of the crime both on Wednesday and Thursday following the murder. He saw the blood spots on Thursday in front of Mr. Rice's place, on the Midlothian Turnpike. The blood looked like it had been sprinkled there. It was between 10:30 and 11 A. M. on Thursday that the boys found what they believed to be a blood spot. They stayed there about five minutes, then went on to the real blood spot. The sprinkled spot was about eighteen inches in diameter and was a mile to a mile and a half from the other one. Some passing pleasure between Mr. Wendenburg and Mr. Smith brought a general laugh in the crowd, resulting in a prompt rebuke from the court.

"The court has had trouble," said Judge Watson. "In keeping order. The counsel can help in this, but if the counsel laugh the court cannot expect the spectators to remain silent."

Cross-Examined. Young Robertson was turned over to Mr. Wendenburg for cross-examination. "Have you told all you know about that?"

"I believe I have."

"Did you see the blood spot on Wednesday?"

"No, sir."

"Was it there on Wednesday?"

"I reckon it was."

"You went up there Wednesday?"

"Yes."

"But you saw it first on Thursday?"

"Yes."

"What did you do on Wednesday for?"

"To see what was up there."

"You didn't know anything about a second blood spot then?"

"No."

"Were you sent up there Thursday?"

"No."

BEATTIE MURDER TRIAL REPORT SENT OUT BY ASSOCIATED PRESS

For Busy Readers

For the convenience of readers who desire a brief account of the trial, The Times-Dispatch will print daily the report prepared by a staff correspondent of the Associated Press. His story appears below.

(By Associated Press.)

Chesterfield Courthouse, Va., August 29.—Testimony corroborative of the story told by Henry Clay Beattie, Jr., that a bearded highwayman killed his wife with a shotgun was introduced by the defense in the Beattie trial today when W. R. Holland, who lives in the vicinity of the Midlothian Turnpike, where the murder occurred, declared that he has seen a bearded man with a shotgun there about five hours before the tragedy